

Application Serial No. 10/715,623
Reply to Office Action of February 28, 2007

PATENT
Docket: CU-3456

REMARKS

In the Office Action, dated February 28, 2007, the Examiner states that Claims 1-9 are pending and Claims 1-9 are rejected. By the present Amendment, Applicant amends the claims.

Claims 1-2, 4-5, 7 and 8 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Miyata (U.S. 6,052,347). Claims 3, 6, and 9 are rejected as being unpatentable over Miyata.

Independent Claims 1, 4, and 7 have been amended to more specifically define the level of the recording speeds.

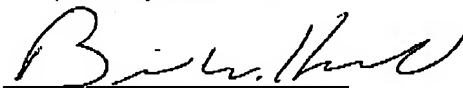
The present invention is distinguishable from that which is disclosed in Miyata. As shown in Figure 8, Miyata discloses that the OPC areas 11 and 15 are set at a radius of R1 and R2, respectively, and a disk moves with constant linear velocity. The present invention does not claim an OPC area, but rather a WPC related area (i.e., the condition measuring positions). Furthermore, Miyata discloses that the recording speed in the OPC area 11 might be different from the recording speed in the OPC area 15. The level of the recording speed claimed in the present invention does not intend to indicate the actual rotation speed X of the spindle motor 12 (as shown in Figure 6). The level of the recording speed claimed in the present invention indicates such kinds of levels which can be expressed by a multiple of the lowest recording speed, such as 42-speed, 48-speed, etc. Accordingly, for example, the 42-speed is one level lower than the 48-speed. Because the claimed invention is different from Miyata, it is not considered anticipated or obvious to Miyata.

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In light of the foregoing response, all the outstanding rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,



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Date

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